IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15578 of 2004

Between:

1 Karri Satyanarayana reddy S/o Bulliyya @ Perreddy
R/o Krishnunipalem,(V) Gokavaram (M), East Godavari District
2 Karri Bulli @ Perreddy S/o Satyanarayana Reddy
R/o Krishnunipalem,(V) Gokavaram (M), East Godavari District
3 Kadarisetty Satya Kameswara Rao s/o late Narayana Rao
R/o Tarakarama Nagar, Gokavaram Mandal, East Godavari District
4 Kedarisetty Surya Rao S/o Late narayana Rao
R/o Krishnunipalem,(V) Gokavaram (M), East Godavari District
5 Yekkala Kasi Rama Rao S/o Late Gopalaswamy
R/o Gokavaram Village & Mandal, East Godavari District
6 Y.N.V.S. Kiranmai W/o Kasi Rama Rao
R/o Gokavaram Village & Mandal, East Godavari District

..... PETITIONERS

AND

1 The Executive Engineer, Godavary Central Division Minor Irrigation, Dowleswaram, East Godavari District
2 The Station House Officer, Gokavaram Police Station, East Godavari District
3 The Mandal Revenue Officer, Gokavaram Mandal, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not taking any action on the complaint made by the petitioners and other agriculturists of Krishnunipalem vilage Gokavaram Mandal, East Godavari District for the removal of the obstructions in the field/Irrigation channel of “Veerrajutank" situated in Krishnunipalem (V), Gokavaram(M) East Godavari District from which the petitioners draw the water and irrigates their lands as illegal, arbitrary and unjust and consequently direct the respondents to remove the obstruction in the filed channels in order to irrigate the

lands of the petitioners and enquire into the matter in the interest of justice

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent No.: GP FOR HOME

The Court made the following ORDER:

Petitioners claim to be the agriculturists, having agricultural lands in Sy.No.101 in Krishnunipalem village, Gokavaram Mandal, East Godavari District. It is alleged that at the instance of one Sudhakar Babu, the Revenue Officials have highhandedly closed down one of the field channels of "Veerraju Tank" and thereby causing obstruction to the flow of the water into the lands of the petitioners. Petitioners also state that they made a representation before the third respondent-Mandal Revenue Officer on 28.06.2004, requesting to take necessary action, but no steps have been taken so far. Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary and illegal.

It is to be noted that under Andhra Pradesh Irrigation Utilisation and Command Area Development Act, 1984(for short 'the Act') a detailed procedure has been prescribed, so far as the settlement of disputes regarding distribution of water is concerned. Under Section 23 of the Act, the pipe committee shall enquire into any such dispute and the Irrigation Officer within whose jurisdiction the pipe outlet is situated, may *suo motu* or on an application made in this behalf by an aggrieved person within fifteen days from the date of the order passed by the pipe committee under Sub-section (2) revise such order of the pipe committee. The proviso to Section 23 also says that where the pipe committee does not pass an order within fifteen days from the date of receipt of the application, the Irrigation Officer may himself pass an order on the matter in dispute.

Learned counsel for the petitioner states that the pipe committee does not exist in the village, and therefore, it would be appropriate to direct the first respondent, who is designated as Irrigation Officer

under the Act, to enquire into the dispute and pass appropriate orders.

Having heard the learned counsel for both the parties and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition granting liberty to the petitioners to make a necessary representation before the first respondent. On such representation being made, the first respondent shall consider the same and pass appropriate orders in accordance with law after notice to all the parties concerned as expeditiously as possible preferably within a period of two weeks from the date of receipt of the representation from the petitioners.

With the above direction, the writ petition is disposed of. No costs.

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02-09-2004

Note: Issue C.C. in two days.

B/o

klp

To

1 The Executive Engineer, Gadavary Central Division Minor Irrigation, Dowleswaram, East Godavari District
2 The Station House Officer, Gokavaram Police Station, East Godavari District
3 The Mandal Revenue Officer, Gokavaram Mandal, East Godavari District

4 2CCs to G.P. for Home, High Court buildings, Hyderabad.(OUT).

5 2CD copies